

JUDGMENT IN A CIVIL CASE

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JUDGE TODD CAMPBELL

Case 3:11-cv-01009 Document 169 Filed 02/26/15 Page 1 of 8 PageID #: 1990

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES HUFFNAGLE, et al.

v.

ANTHONY LOIACONO

)

)

) NO. 3-11-1009

) JUDGE CAMPBELL

)

VERDICT FORM

We, the members of the jury, find as follows:

COMPLAINT OF PLAINTIFFS AGAINST DEFENDANT LOIACONO

MISREPRESENTATION

1. Did Defendant Loiacono make any negligent misrepresentation(s) to the Plaintiffs?

___ Yes

X No

2. Did Defendant Loiacono make any intentional misrepresentation(s) to the Plaintiffs?

___ Yes

X No

CONVERSION

3. Did Defendant Loiacono convert the property of the Plaintiffs?

___ Yes

X No

BREACH OF FIDUCIARY DUTY - DIRECTOR

4. Did Defendant Loiacono breach his fiduciary duty to the Plaintiffs as a director of the LLC?

☒ Yes

☐ No

BREACH OF DUTY OF LOYALTY - OFFICER

5. Did Defendant Loiacono breach his duty of loyalty to the Plaintiffs as an officer of the LLC?

☐ Yes

☒ No

UNJUST ENRICHMENT

6. Was Defendant Loiacono unjustly enriched, as explained in the Court's instructions, at the expense of the Plaintiffs?

☒ Yes

☐ No

FEDERAL SECURITIES LAW

7. Did Defendant Loiacono sell securities, as defined in the Court's instructions, to the Plaintiffs?

☐ Yes

☒ No

If you answered "yes" to Question 7, proceed to Question 8. If you answered "no" to Question 7, skip Questions 8 and 9, and proceed to Question 10.

8. Did Defendant Loiacono commit securities fraud in violation of 15 U.S.C. § 78j, as explained in the Court's instructions?

☐ Yes

☐ No

9. Did Defendant Loiacono sell unregistered securities in violation of 15 U.S.C. §§ 771 and 77e, as explained in the Court's instructions?

☐ Yes

☐ No

DAMAGES

10. If you answered "yes" to any of Questions 1 through 9, what amount of damages is each Plaintiff entitled to from Defendant Loiacono?

James Huffnagle \$ 0

James Hearn \$ 0

Reinhold Holtkamp \$ 0

William Hemrick \$ 0

Melvin W. Martin \$ 0

Howard Luartes \$ 0

Tea Party HD, LLC \$ 26,178

11. If you awarded any damages in response to Question 10, do you find that Defendant Loiacono is liable for punitive damages as defined in the Court's instructions?

☐ Yes

☒ No

You will not determine the amount of punitive damages, if any, at this time. You will return your verdict to the Court and, if necessary, you will determine the amount of any punitive damages later.

COUNTERCLAIM OF DEFENDANT LOIACONO AGAINST PLAINTIFFS

BREACH OF FIDUCIARY DUTIES

12. Did the individual director Plaintiffs violate any fiduciary duties to Defendant Loiacono?

Reinhold Holtkamp	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
William Hemrick	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Melvin W. Martin	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Howard Luartes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you answered "yes" to any part of Question 12, proceed to Question 13. If you answered "no" to all parts of Question 12, skip Question 13, have your foreperson sign and date this form, and return it to the Court.

DAMAGES

13. If you answered "yes" to any part of Question 12, then what amount of damages is Defendant Loiacono entitled to from:

Reinhold Holtkamp	\$ <u>0</u>
William Hemrick	\$ <u>13089</u>

Melvin W. Martin

\$ 0

Howard Luartes

\$ 0

FOREPERSON

2-25-15

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES HUFFNAGLE, et al.)
)
v.) NO. 3-11-1009
) JUDGE CAMPBELL
HEADS & TAILS, INC.)

VERDICT FORM

We, the members of the jury, find as follows:

COMPLAINT OF PLAINTIFFS AGAINST DEFENDANT HEADS & TAILS, INC.

UNJUST ENRICHMENT

1. Was Defendant Heads & Tails, Inc. unjustly enriched, as explained in the Court's instructions, at the expense of the Plaintiffs?

___ Yes

X No

If you answered "yes" to Question 1, proceed to Question 2. If you answered "no" to Question 1, skip Question 2, have your foreperson sign and date this form, and return it to the Court.

2. If you answered "yes" to Question 1, then what amount of damages is each Plaintiff entitled to from Defendant Heads & Tails, Inc.?

James Huffnagle \$ _____

James Hearn	\$ _____
Reinhold Holtkamp	\$ _____
William Hemrick	\$ _____
Melvin W. Martin	\$ _____
Howard Luartes	\$ _____
Tea Party HD, LLC	\$ _____

FOR ~~PERSON~~ PERSON

2-25-15
DATE